

KENT S. ROBINSON, OSB #09625
Acting United States Attorney
District of Oregon
KEMP L. STRICKLAND, OSB #96118
Assistant United States Attorney
1000 S.W. Third Ave., Suite 600
Portland, OR 97204-2902
Telephone: (503) 727-1000
kemp.strickland@usdoj.gov
Attorneys for United States of America

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

UNITED STATES OF AMERICA

CR 09-03 (MO)

v.

**GOVERNMENT'S SENTENCING
MEMORANDUM**

SYRUS ANDREW SAMPSON,

Sentencing Hearing 12-07-09, 10:30 a.m.

Defendant.

The United States of America, by Kent S. Robinson, Acting United States Attorney for the District of Oregon, and Kemp L. Strickland, Assistant United States Attorney, respectfully submits the Government's Sentencing Memorandum for the Court's consideration.

The government agrees with the facts and advisory guideline calculations as represented in the final Pre-Sentence Report (PSR) dated October 15, 2009.

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ADVISORY SENTENCING GUIDELINE CALCULATIONS

The U.S. Probation Office recommends a low end 33 month custodial sentence and calculated defendant's adjusted advisory guideline to be level 20, based on the following calculation:

Base Offense Level, pursuant to § 2A2.2	14
§ 2A2.2(b)(2)(B), Use of dangerous weapon	+ 4
§ 2A2.2(b)(3)(B)	+ 5
§ 3E1.1, Acceptance of Responsibility	<u>- 3</u>
	20

18 U.S.C. § 3553 FACTORS

In considering sentence, the Court is guided by 18 U.S.C. §3553(a). A review of 3553 factors indicate that a sentence of 33 months custody is appropriate in this case. The nature and seriousness of the offense as well as defendants history and characteristics support a 33 month prison term.

The facts detail the escalation of violence from horseplay to serious assault. At the time of the offense, both Sampson and the victim, Jonathan Higheagle were visibly intoxicated. At the beginning of the encounter, Sampson employed a number of play-like Karate moves on Higheagle. At some point, Higheagle wanted the horseplay to end. When Sampson did not stop, Higheagle threw him to the ground - injuring Sampson's elbow. Words were exchanged. Then, Sampson went into his house and returned with two knives. He then approached Higheagle. When Higheagle saw the knives he stated, "I ain't no puss". Shortly thereafter, Sampson lunged and stabbed Higheagle with one of the knives. The injuries were life threatening. Higheagle would have died without medical intervention.

The aggressiveness of defendant's crimes - approaching the victim with two knives and stabbing him in the public view of others also support a prison sentence. This dangerous behavior should be answered with a sentence that reflects the seriousness of the offense and promotes respect for the law, as required by §3553(a)(2)(A). Furthermore, it is clear that a prison term will achieve specific deterrence and protect the public from future crimes by defendant, as required by §§3553(a)(2)(B) and 3553(a)(2)(c).

SENTENCING RECOMMENDATION

Based on the PSR and the mitigation packet defendant provided to the government yesterday, the government respectfully recommends a sentence of 33 months imprisonment to be followed by a three-year supervised release term.

DATED this 2nd day of December 2009.

Respectfully submitted,

KENT S. ROBINSON
Acting United States Attorney
District of Oregon

s/ Kemp L. Strickland
KEMP L. STRICKLAND OSB #96118
Assistant United States Attorney